

**A SUBSTITUTE ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 154 OF THE ATLANTA CITY CODE ENTITLED "SEWAGE DISPOSAL" (§ 154-196 *et seq.*); TO CREATE A FEE FOR THE ISSUANCE OF AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT; TO CREATE A FEE FOR ANNUAL INSPECTIONS OF INDUSTRIAL USERS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns and operates the Publicly Owned Treatment Works ("POTW") as defined by section 212 of the Clean Water Act, 33 U.S.C. § 1292; and

WHEREAS, the City is required to operate an Industrial Pretreatment Program under Part III of its National Pollutant Discharge Elimination System (NPDES) Permits for the discharge of wastewater, issued pursuant to O.C.G.A. § 12-5-20 *et seq.* by the Georgia Department of Natural Resources, Environmental Protection Division; and

WHEREAS, the City is required by 40 C.F.R. § 403.8(f)(1)(v) to inspect industrial users to determine compliance or noncompliance with applicable pretreatment standards and requirements; and

WHEREAS, the City is required by 40 C.F.R. § 403.8(f)(2)(v) to inspect and sample the effluent from each significant industrial user at least once a year; and

WHEREAS, 98-O-1835, adopted by Council October 5, 1998 and approved by the Mayor October 13, 1998, rescinded Chapter 154 Article V of the Code of Ordinances and substituted in lieu thereof a new Article V of Chapter 154 to provide for regulations, rates and charges, administration, inspection and entry, and enforcement authority for wastewater services; and

WHEREAS, 07-O-0937, adopted by Council June 4, 2007 and approved by the Mayor June 12, 2007, amended Article V of Chapter 154 to provide for modification to the Industrial Pretreatment Program and to set allowable pollutant levels; and

WHEREAS, fees should be charged to recover costs incurred by the City in the administration of the Industrial Pretreatment Program,

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1: That a new section of the Atlanta City Code is hereby created in Chapter 154,

Article V, Division 2, Subdivision II, entitled "Permit Fee," and shall be § 154-231, and shall read as follows:

Sec. 154-231. Permit Fee.

There shall be a permit fee of fifty dollars (\$50.00) for the issuance of an industrial wastewater discharge permit in accordance with § 154-226 *et seq.*

Service	Fee
Issuance of industrial wastewater discharge permit	50.00

SECTION 2. That a new section of the Atlanta City Code is hereby created in Chapter 154, Article V, Division 2, Subdivision II, entitled "Annual Inspection Fee," and shall be § 154-232, and shall read as follows:

Sec. 154-232. Annual Inspection Fee.

There shall be a fee for an annual inspection conducted by the City of each industrial user pursuant to § 154-242 of the Atlanta City Code and as required by 40 C.F.R. § 403.8(f)(1)(v), and said fee shall be \$50.00.

Service	Fee
Annual inspection of industrial user	50.00

SECTION 3. That a new section of the Atlanta City Code is hereby created in Chapter 154, Article V, Division 2, Subdivision II, entitled "Adjustment of Fees," and shall be § 154-233, and shall read as follows:

Sec. 154-233. Adjustment of Fees

The Commissioner of Watershed Management may evaluate the fees set out in §§ 154-231 and 154-232 based on the cost to the city of operation of the industrial pretreatment program, and may adjust said fees in accordance with § 154-297.01(a)(3).

SECTION 4. All industrial wastewater discharge permit fees collected in accordance with §154-231 of this ordinance shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051.000002.3442708 – Permit Fees – Industrial Waste, or as otherwise directed by the Chief Financial Officer.

SECTION 5. All annual inspection fees collected in accordance with §154-232 of this ordinance shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051.000002.3442709 – Annual Inspection Fee – Industrial Waste, or as otherwise directed by the Chief Financial Officer.

SECTION 6. If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 7. That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 8. That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

10-0-0940

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SECTION 4. All fees collected in accordance with this ordinance shall be deposited to the following fund: 5051, 170603, 3442553-Industrial Waste

SECTION 5. That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 6. That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 154 OF THE ATLANTA CITY CODE ENTITLED "SEWAGE DISPOSAL" (§ 154-196 *et seq.*); TO CREATE A FEE FOR THE ISSUANCE OF AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT; TO CREATE A FEE FOR ANNUAL INSPECTIONS; AND FOR OTHER PURPOSES.

Council Meeting Date: June 7, 2010

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to AMEND ARTICLE V OF CHAPTER 154 OF THE ATLANTA CITY CODE ENTITLED "SEWAGE DISPOSAL" (§ 154-196 *et seq.*); TO CREATE A FEE FOR THE ISSUANCE OF AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT; TO CREATE A FEE FOR ANNUAL INSPECTIONS; AND FOR OTHER PURPOSES

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City is required to operate an Industrial Pretreatment Program under its National Pollutant Discharge Elimination System Permits. Currently, no fees are being charged for annual inspections or permit issuance. The new fees are proposed to recoup some of the costs of the Industrial Pretreatment program without overburdening industrial wastewater permittees.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (Ex. Name and number):

Fund: 5051 Account: 5750002 Center: 170603

5. Source of Funds: Example: Local Assistance Grant Inspection Fees and Permit Fees

6. Fiscal Impact: 150 Industrial users x \$50 inspection fee = \$7,500 per year

30 permits issued per year x \$50 permit fee = \$1,500 per year

Total = \$9,000 per year

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: Kenna Laslavic

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____
Committee(s) of Purview: _____ City Utilities _____

Chief of Staff Deadline: _____ May 11, 2010 _____

Anticipated Committee Meeting Date(s): _____ June 1, 2010 _____

Anticipated Full Council Date: _____ June 7, 2010 _____

Legislative Counsel's Signature: _____ *Marie Donk* _____

Commissioner Signature: _____ *Robert G. Hunter* _____

Chief Procurement Officer Signature: _____ n/a _____

CAPTION

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 154 OF THE ATLANTA CITY CODE ENTITLED "SEWAGE DISPOSAL" (§ 154-196 *et seq.*); TO CREATE A FEE FOR THE ISSUANCE OF AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT; TO CREATE A FEE FOR ANNUAL INSPECTIONS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)